

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICK SOLOMON,

Plaintiff,

v.

CIVIL ACTION NO. 05-60195

District Judge John Corbett O'Meara

Magistrate Judge Virginia M. Morgan

DENNIS HALEY, et al.,

Defendant.

REPORT AND RECOMMENDATION

On August 19, 2005, plaintiff, an inmate at the Marquette Branch Prison, Marquette, Michigan, filed a *pro se* complaint alleging that he retained defendant attorneys to establish and manage an irrevocable trust and that they proceeded to misappropriate \$826,000 in trust funds. Plaintiff requested compensatory and punitive damages.

On May 1, 2006, the district judge referred the matter to this court for all pretrial proceedings. A review of the complaint revealed that plaintiff had failed to allege facts showing that the matter fell within the court's subject matter jurisdiction. Accordingly, on June 1, 2006, this court issued an order directing plaintiff to show cause on or before June 29, 2006 why the matter should not be dismissed for lack of subject matter jurisdiction. Plaintiff did not respond to the order to show cause.

Accordingly, based upon plaintiff's failure to allege facts establishing subject matter jurisdiction and his failure to respond to the court's order to show cause, the court recommends

that plaintiff's complaint be **DISMISSED**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of HHS, 932 F.2d 505, 508 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. Willis v. Secretary of HHS, 931 F.2d 390, 401 (6th Cir. 1991); Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this magistrate judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

Dated: July 21, 2006

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

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PROOF OF SERVICE

The undersigned certifies that on July 21, 2006 the foregoing Report and Recommendation was served upon counsel of record via the Court's ECF System and via U. S. Mail upon:

Rick Solomon #214643
Marquette Branch Prison
1960 US HWY 41 South
Marquette, MI 49855

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan